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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 THOMAS VAIL,

6 Petitioner,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent.
10

Case No. 2:15-cv-01093-JAD-VCF

**Order Denying Application to Proceed in
Forma Pauperis and Directing Payment of
Filing Fee and Submission of Proper Petition
for Writ of Habeas Corpus**

11 Petitioner, who is a prisoner in the custody of the Nevada Department of Corrections, has
12 submitted an application to proceed in forma pauperis (#1), and he indicates that he wishes to
13 pursue a petition for a writ of habeas corpus. The court finds that petitioner is able to pay the full
14 \$5.00 filing fee.

15 Petitioner has not submitted a petition for a writ of habeas corpus. He must do so before this
16 action may proceed. The court will send him a form. Petitioner will need to name the correct
17 respondent, who is the warden of the prison and not the State of Nevada.

18 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is
19 **DENIED. Petitioner has until July 20, 2015, to have the filing fee of \$5.00 sent to the clerk of**
20 **the court.** Failure to comply will result in the dismissal of this action.

21 IT IS FURTHER ORDERED that the clerk of the court will send petitioner two copies of
22 this order. Petitioner is ordered to make the necessary arrangements to have one copy of this order
23 attached to the check paying the filing fee.

24 IT IS FURTHER ORDERED that the clerk of the court shall send petitioner a petition for a
25 writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. **Petitioner has until**
26 **July 20, 2015, to file a petition.** Petitioner must place the docket number, 2:15-cv-01093-JAD-
27 VCF, in the space provided on the petition form. Neither this deadline nor any extension thereof
28 signifies or will signify any implied finding of a basis for tolling during the time period established.

1 Petitioner at all times remains responsible for calculating the running of the federal limitation period
2 under 28 U.S.C. § 2244(d)(1) and timely asserting claims. Failure to comply with this order will
3 result in the dismissal of this action.

4 DATED: June 19, 2015

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7 JENNIFER A. DORSEY
8 United States District Judge
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